

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

KEVIN MCBRIDE,

Plaintiff,

v.

Case No: 8:21-cv-546-CEH-AEP

JOHN W. GUZINA, *et al.*,

Defendants.

---

**ORDER**

This matter is before the Court on periodic review. On January 12, 2022, the Court entered an Order dismissing Plaintiff Kevin McBride's Second Amended Complaint and granting Plaintiff, who is proceeding *pro se*, leave to file a Third Amended Complaint by February 2, 2022. Doc. 108. Because Plaintiff has failed to timely file a Third Amended Complaint, despite being given the opportunity to do so, this action is due to be dismissed without prejudice.

**DISCUSSION**

A district court may dismiss a plaintiff's claims pursuant to Rule 41(b) or the court's inherent authority to manage its docket. *Betty K Agencies, Ltd. v. M/V MONADA*, 432 F.3d 1333, 1337 (11th Cir. 2005). Under Rule 41(b), "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss this action or any claim against it." Fed. R. Civ. P. 41(b). The Eleventh

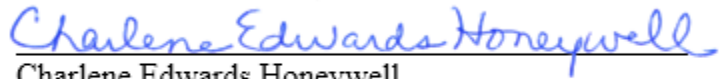
Circuit has recognized that a district court may dismiss an action *sua sponte* for the plaintiff's failure to prosecute his case or obey a court order under Rule 41(b). *Betty K Agencies, Ltd.*, 432 F.3d at 1337.

On January 12, 2022, the Court entered an order granting Defendants' motions to dismiss and dismissing Plaintiff's Second Amended Complaint. Doc. 108. The Court dismissed with prejudice Plaintiff's claims against Defendants Judge Laura Ward, Monique M. Scott, Ashley Hodge, and Jeffrey Marshall; all claims brought pursuant to 42 U.S.C. § 1985(3); and all defamation claims against Defendant Ray Roa based on a March 5, 2019 article. *Id.* at 45–46. In all other respects, Plaintiff's Second Complaint was dismissed without prejudice. *Id.* The Court directed Plaintiff to file his Third Amended Complaint by February 2, 2022. The Court cautioned that “[f]ailure to file a Third Amended Complaint within the time permitted will result in dismissal of this action without prejudice without further notice.” *Id.* at 46. Plaintiff did not file a Third Amended Complaint by the February 2, 2022 deadline, nor did he seek an extension of time to do so. Accordingly, it is

**ORDERED:**

1. This action is **DISMISSED without prejudice**.
2. The Clerk is directed to terminate any pending motions and deadlines and **CLOSE** this case.

**DONE** and **ORDERED** in Tampa, Florida on February 7, 2022.

  
Charlene Edwards Honeywell  
United States District Judge

Copies furnished to:  
Kevin McBride, *pro se*  
Counsel of Record  
Unrepresented parties